

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

STEPHEN L. SHRADER,

Plaintiff,

v.

CIVIL ACTION NO. 1:08-00096

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION

By Standing Order entered August 1, 2006, and filed in this case on February 11, 2008, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and recommendation. Magistrate Judge VanDervort submitted his proposed findings and recommendation on January 30, 2009. (Doc. No. 14.) In that Proposed Findings and Recommendation, the magistrate judge recommended that this court affirm the final decision of the Commissioner and dismiss this matter from the court's docket. (Id. at 19.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

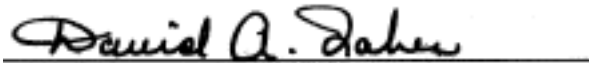
novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **DENIES** plaintiff's motion for judgment on the pleadings (Doc. No. 9), **GRANTS** defendant's motion for judgment on the pleadings (Doc. No. 12), **AFFIRMS** the final decision of the Commissioner, and **DIRECTS** the Clerk to remove this matter from the court's active docket. A Judgment Order of even date will be entered effectuating the court's ruling.

The Clerk is further directed to forward a copy of this written Memorandum Opinion to counsel of record.

It is **SO ORDERED** this 10th day of March, 2009.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge